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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,292	02/19/2004	Katsumi Tashiro	Q79518	3347
23373	7590	08/23/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			SIPOS, JOHN	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/781,292	TASHIRO ET AL.	
	Examiner	Art Unit	
	John Sipos	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

In view of newly found prior art the Final Rejection of March 17, 2005 is withdrawn and the following rejection are applied against the claims.

REJECTIONS OF CLAIMS BASED ON PRIOR ART

Claims 1-11 are rejected under **35 U.S.C. ' 102(a)** as being anticipated by the patent to Japanese reference 2003-026113 to Kadota (for the English version of this reference see US patent 6,857,586 which claims priority to the Japanese reference). The '113 reference discloses a method and apparatus of packaging a rolled article by gripping a side edge of said packaging sheet by grippers 560 and feeding the packaging sheet from the side edge thereof to a winding position to position the packaging sheet in the winding position (502, Figures 22-24&41), positioning said rolled article with respect to said packaging sheet in said winding position (Figure 1), attaching an end of said packaging sheet to an end of said elongate sheet of said rolled article (504), rotating said rolled article while gripping a winding end of said packaging sheet to wind said packaging sheet around said rolled article (508 and Figures 26,27&43) and mounting said skirt-members on said end packaging members by heat from elements 696 while pressing the end packaging members against respective opposite ends of said rolled article (686). Regarding the pressing rollers of claim 3, note rollers 700 in Figures 45-47 of Kadota. Note that the claims do not recite on which surface of the end members the skirt members are mounted and therefore the claims can be read on any overlapping of the skirt members over the end member.

Claims 1-11 are rejected under **35 U.S.C. ' 103(a)** as being unpatentable over the patent to Japanese reference 2003-026113 to Kadota, as applied above, and further in view of Brenner

(3,828,523). Although the specific mounting operation of the skirt members to the end member is not clear from the claims, the patent to Brenner shows the pressing of the planar surfaces of the end members 11 by element 81 while the skirt members of the wrapper are mounted on the planar surfaces of the end members by elements 17. In this manner positive control and contact with both the end members and the skirt members is achieved throughout the mounting operation. It would have been obvious to one skilled in the art to substitute the mounting and pressing mechanism of Brenner for the mounting and pressing mechanism of Kadota to positively control the mounting operation.

RESPONSE TO APPLICANT'S ARGUMENTS

Applicant's main argument is that the Examiner has not cited the relevant parts of Kadota disclosure to support the rejection and fails to identify the Kadota disclosure that shows the mounting of the skirt members on the end-packaging members. Although the Examiner considers the prior Office action to sufficiently describe the Kadota reference as it relates to the claimed invention, further clarification follows. As can be clearly seen in Figure 1 of Kadota, the skirt members 24 are attached to the packaging sheet 26 as the sheet is wound onto the rolled article 14 and while the sheet/skirt is wound around the opposing end members 18. Figures 43-47 show the pressing of the end of the roll with mechanism 686 while the packaging sheet with the skirts is wound around the rolled article and the skirt is mounted on the article. The removal of mechanism 686 is shown in Figure 48 leaving behind the skirt 24 and the end packing members 18. The relationship of the skirts 24 to the ends of the rolled article and the end packing members 18 is also clearly shown in Figure 2.

Applicant further argues on page 3 of the Amendment of August 5, 2005 that there is no teaching in Kadota that the skirt member or the end members are pressed. It should be first noted that the claims do not recite the pressing on the skirt members but only on the end members. Regarding the end member pressing step, the rotating end mechanism 686 does press on the end members during rotation of the article. During this time the skirt members are heated. To clarify this operation in the rejection the secondary references were used that clearly show the mounting and pressing actions..

ADDITIONAL ART

The additionally cited art shows the mounting of skirt members onto the planar surface of end members while the end members are pressed against the rolled article.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Examiner John Sipos** at telephone number **571-272-4668**. The examiner can normally be reached from 6:30 AM to 4:00 PM Monday through Thursday.

The **FAX** number for Group 3700 of the Patent and Trademark Office is **(703) 872-9302**.

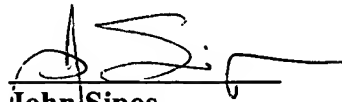
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at **571-272-4467**.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-1148.



John Sipos
Primary Examiner
Art Unit 3721